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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,964	08/06/2001	Paul M. Neugebauer	1110-WO P99125US1A	1450
26562	7590	01/26/2004	EXAMINER	
BRIDGESTONE AMERICAS HOLDINGS, INC. 1200 FIRESTONE PARKWAY AKRON, OH 44317			MAKI, STEVEN D	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/922,964

Applicant(s)

NEUGEBAUER ET AL.

Examiner

Steven D. Maki

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 19-31.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Advisory Action Attachment

new issues

The new issues include:

(1) amending lines 6-7 of claim 19 to require certain of the tread blocks in the first rib "correspond" to certain tread blocks in the second rib;

(2) in claim 19 lines 12-18, adding "toward the leading end wall" and adding "toward the trailing end wall" and deleting "but opposite direction" and adding "corresponding";

(3) changing "to compensate for residual aligning torque" to "the angled sipes in the tread blocks in the first and second ribs compensate for residual aligning torque produced by other components of the tire" (emphasis added); and

(4) adding "wherein each of the said tread blocks in each rib is free of sipes which extend at an angle substantially opposite to that of the sipes formed therein whereby the sipes do not compensate for residual aligning torque within each of said tread blocks" (emphasis added).

issues of new matter

The issues of new matter include:

(1) changing "to compensate for residual aligning torque" to "the angled sipes in the tread blocks in the first and second ribs compensate for residual aligning torque produced by other components of the tire" (emphasis added); and

(2) adding "wherein each of the said tread blocks in each rib is free of sipes which extend at an angle substantially opposite to that of the sipes formed therein

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whereby the sipes do not compensate for residual aligning torque within each of said tread blocks" (emphasis added).

remarks

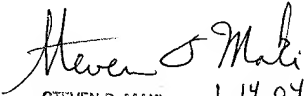
Applicant's argument that the angling of the sipes cancels the RAT out entirely or provides the tire with a specific amount of RAT in order to match the suspension system is not commensurate in scope with the claims and is therefore not persuasive. None of the claims require canceling the RAT out entirely or providing the tire with a specific amount of RAT in order to match the suspension system.

Applicant's remaining arguments are not persuasive since they are based on the amendment to claim 19, which raises new issues / issues of new matter and has not been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Steven D. Maki
January 14, 2004


STEVEN D. MAKI
PRIMARY EXAMINER
-GROUP 1300-
AC 1733
1-14-04